IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1761 OF 2004

Union of India ..Petitioners.
Vs.
Sanjay Singh ..Respondent.

....

Mrs. N.V. Masurkar for the petitioners.
Mr. Rahul Walia for the respondent.

....

CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J,

27h August, 2004.

P.C. :

1. This petition is directed against the order dated 29th September, 2003 passed by the Central Administrative Tribunal, Mumbai Bench. The Tribunal has passed the following order :

> "2. The applicant has filed this O.A. for issue of directions to respondents for getting the second medical test by a competent Medical Board as he has been declared fit by the Railway Recruitment Board on 21.10.2002 for the post of Assistant Driver.
>
> 3. We have heard the Learned Counsel for the applicant

> and find that it would be proper to issue directions to Respondent No.2 i.e. the Secretary, Railway Recruitment Board, Mumbai to receive the representation of the applicant and decide the same by a speaking order, as per rules, within a period of one month from the date of receipt of representation from the applicant. The O.A. is disposed of accordingly. No costs."

2. The Tribunal after hearing the counsel appearing for the petitioners merely observed that the representation filed by the petitioners be decided by a speaking order within a period of one month. The order of the Tribunal cannot be faulted.

3. In our considered opinion, the Union of India ought not to have preferred this writ petition against such an order. The writ petition being totally devoid of any merit, is accordingly dismissed, with costs of Rs.5,000/- to be paid within a period of two weeks.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.